

THE DEALMAKER

HOW MARYLAND'S SENATE PRESIDENT, AFTER A BIG DEFEAT AND IN HIS HARDEST YEAR, ENGINEERED HIS OWN FINAL VICTORY.

By PATRICIA MEISOL
SUN STAFF

For 17 years, Thomas V. Mike Miller, part charmer, part bully, had had his way as president of the Maryland state Senate. But as the 2003 General Assembly drew to an end, he knew he'd been outmaneuvered by the new boy on the block, the Speaker of the House. As fiercely competitive as his fellow Democrat, Miller was steaming.

And now, a Sunday with only 32 hours to go before the legislative session closed, the 60-year-old master politician was sitting in the Federal-style receiving room of his elegant home on 40 acres overlooking the Chesapeake Bay, sipping a Coke. Several of his five grown children and nine grandchildren had arrived for dinner. Games were everywhere: Brio, Legos, chess, a pool table, many of them gifts from his boisterous, sweet wife, Patti. Earlier, Miller had played golf with his Senate budget committee chairman. And there were more games to be played.

The phone rang. A House lawmaker hoped the Senate president would break a stalemate between the two chambers over bonds for state construction projects. At issue was \$12.7 million in projects sought by the House.

"If you don't like the plan, change it around. Don't do nothing. That was what was so frustrating."

Thomas V. Mike Miller, referring to House Speaker Michael E. Busch acting on Ehrlich's now-defeated slots bill

"Times are tight," Miller said. "You can't afford these pork-barrel projects." The Senate was not going to agree to the list of House district projects, Miller said, "when we need money for schools." At stake in the standoff: three-quarters of a billion dollars for hospital and school projects.

"If all the bond bills go down," Miller told the caller, "they all go down."

There was nothing better Mike Miller liked than results. As the longest serving state Senate leader in the country, he had dealt with every possible situation except partisan divided government. And he had innate political ability.

Politics is teamwork, he liked to say. And he expected people to play the game.

In this regard, he reminded colleagues of Lyndon Baines Johnson, one of the most masterful strategists ever to lead the U.S. Senate. Only last November, Casper R. Taylor Jr., the newly ousted speaker of the Maryland House of Delegates, had sent Miller Volume 3 of Robert Caro's biography of Johnson, *Master of the Senate*. Miller had written a lovely thank-you. But Miller didn't see himself as Johnson, he told Taylor. Gen. George S. Patton, maybe.

Or Winston Churchill. Or Robert E. Lee. Or Ulysses S. Grant, a mediocre guy who saw an opportunity and seized it. A redneck, Miller called himself; from humble roots, he had done well.

He took what he admired about great historical figures from the thousands of books in his library, reading in his chair facing the fireplace, looking into the woods the British passed through on their way to Bladensburg in the War of 1812.

Reading history helped him see into the future, the battle ahead. And he knew what he was in for: more hard work.

So far, the session was a disaster.



BARBARA HADDOCK TAYLOR: SUN STAFF PHOTOS

Mike Miller routinely refers to Lyndon B. Johnson's mastery in getting results.



Miller wielded his power in the Senate during the Assembly's 2003 session, which included negotiating the state's \$740 million capital budget.

Miller had to educate the new governor and deal with the governor's staff, who in his view didn't seem to know what they were doing.

A conservative Democrat from Prince George's and Calvert counties, Miller had allied himself with Robert L. Ehrlich Jr., the first Republican governor in 36 years, because their interests dovetailed. Miller for years had supported slots, and Ehrlich had made their passage his priority. Unfortunately, the governor's office had bungled it, and Miller had to do some heavy lifting.

Not only did he order a Senate committee to write its own slots bill, he also muscled the governor's idea through the Senate. The vote, 25-21, was surprisingly close. People in leadership positions, like Sen. James E. DeGrange Sr., who represented part of anti-slots Anne Arundel County, risked their

seats to support it.

According to DeGrange, Miller didn't lobby him, saying only, "Your friendship is more important than any vote." The Senate president says he also released DeGrange from voting for new taxes, if that would help right him in his district.

None of what Miller did, though, was enough to combat the bad news that rained down on slots daily, with House Speaker Michael E. Busch and

others thinking of new ways the governor's idea was flawed. Busch worried about whether slots were good public policy. Miller, seeing a bird in hand, wanted to bring the issue to a vote.

"I'd make suggestions, he brushed them off. It was a campaign on his part," Miller says of Busch. "If you don't like the plan, change it around. Don't do nothing. That was what was so frustrating."

From behind the great mahogany dais in the Senate, Mike Miller could look across the room and know within one or two votes where each member stood on an issue. There were surprises, of course, and for those, he always had a few extra votes.

He liked to buttonhole people or talk on the phone in search of votes. He enjoyed building a consensus. It was tricky. Miller had to [See Miller, 5E]

Even in rough times, Miller's a master at making deals

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calculate the risks for each person before he could ask for a vote. He knew every legislative district and followed every campaign; sometimes he helped finance them with campaign money he didn't need himself.

A handsome man with curly, reddish-gray hair, blue eyes and a ruddy face, Miller sometimes intimidated people though he said it wasn't intentional.

He blamed his quick temper on his Irish side, and his profanity on his father, who ran a dry-goods store in rural Prince George's County where Miller worked when he was 10. His mother, a teacher, saw him through college and law school. He was emotional and compassionate, sticking up for victims' rights and equal rights. Visiting a friend's sick baby, or paying respects at the grave of a former colleague, he wept. When his staff called for a vote with key senators missing, he screamed.

He wielded power subtly.

The way he stopped the Republican filibuster on the next-to-last day of the session was a classic example. The GOP hoped to prevent a vote on a tax bill by constant talking.

When he heard about their plan, Miller called the 14 senators into a side room and locked the door behind him. They could make their point by voting against taxes, he argued, and the governor was going to veto them anyway. What good would a filibuster do except prevent votes on other important items, like health benefits for retired Bethlehem Steel workers?

He had to find 24 votes for the tax bill — not an easy thing given conservative Democrats who knew it would be vetoed. If the Republicans filibustered, he would have to find 32 votes to stop them. "And you," he reminded them, "don't have to do a single thing."

As Lyndon Johnson often did when he courted lawmakers, Miller quoted Isaiah, the Old Testament prophet: "Let us reason together," he appealed. "Humble yourself."

In case this wasn't enough pressure, Miller summoned the governor's office — Budget Secretary James C. "Chip" DiPaula — to call off the Republican senators.

All but two Republican senators gave up. And when the two newly elected lawmakers started filibustering, the rest were obliged to support them.

Miller needed every Democrat save one to shut off debate. He began hustling conservative Democrats into his office for a chat.

Less than an hour after the Republicans began talking, Miller stopped them. It happened on the first vote, something the secretary of the Senate, William B.C. Addison Jr., hadn't seen in 25 years. Usually it took several votes to end debate.

Futile? Some Republicans didn't think so.

"They have no idea what they just did," gloated Nancy Jacobs, a



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Mike Miller, Gov. Robert L. Ehrlich Jr. and Michael E. Busch sign bills last week.

Republican from Harford County. "They voted to end debate so they could vote for a tax bill. That's gonna kill them in the next election."

Miller knew exactly what the vote meant:

It meant he was going to have to watch his back. Already, he guessed, the GOP was plotting to use his quote in the morning's paper. "Republicans don't want tax increases of any kind," he'd said to explain the filibuster. "Democrats view taxes as dues you pay to belong to society." In a TV campaign, they'd probably shorten it to "taxes are dues."

And it meant the Republicans would pay, severely, for taking Miller's time in the waning hours of the session. Next year, Miller would get the Democratic majority to change the rules so he'd need only 29 votes to cut off debate. When the Republicans had a real issue, they'd wish they had made it easy for Miller.

After 30 years in Annapolis, little things were getting to Miller. Things like the dispute over a preacher who insisted on praying to Jesus in the chamber. Unable to persuade the man to substitute the word "God" or "Messiah," Miller felt obligated to get the views of senators of different religions, Jewish, Mennonite, Catholic. In the end, he barred the minister from the chamber.

It wasn't just politics, it was administration.

Then this filibuster, staged with much work and little time left. In Miller's view, it was the height of irresponsibility.

Of the 14 members of the GOP caucus, nine had signed pledges in primary elections not to increase taxes. This was how unrealistic they were, he felt.

Miller would have to go back to the late '40s, early 1950s, when Maryland enacted a sales tax, to find a session as rancorous as the one just ending. Not since Gov. William Preston "Penny" Lane signed the tax and was pelted with pennies has Maryland politics been so divided.

With three days left in the session, Miller had tried to prevent the governor from throwing down

the gauntlet, declaring war, by vetoing taxes. He and the senators who voted for slots visited Ehrlich to see if they could persuade him not to veto \$165 million in taxes that had been part of the failed slots deal. Lots of Maryland companies were registering in Delaware to avoid taxes. The new tax bill would stop them. What governor in the past 35 years had said, no, don't give me any revenues?

But the governor was upset. Meetings with the unyielding House Speaker had angered Ehrlich.

Miller didn't think the governor understood the pain he was going to cause. And the Senate president feared the governor was reverting back to his bitter partisan days on Capitol Hill. "We're not used to that here," he told the press.

He longed to return to the world of moderate Republicans, where both sides participated in every discussion, the world where Mike Miller was in charge.

Most of all he missed his late Republican friend, former Minority Leader John A. Cade, a gruff man in Miller's view, but brilliant, a man who cared enough about the Senate to read every bill. He represented a wealthy community, Severna Park, but in 1992, voted for a temporary tax increase. Miller had been grateful ever since. The Senate president funded a scholarship in Cade's name, and twice a year he visited the man's grave in North Carolina.

Until two years ago, Miller never had a Democratic caucus. Everybody worked together.

Early on, Miller had predicted that if the governor's slots plan was defeated, it would be Ehrlich's ruination.

The long view he took now was that the governor's legislative loss was a political victory.

It was a triple victory, in fact: The governor would veto new taxes, cut the budget and be relieved of his promise to fund education by blaming Democrats.

Miller had been able to hold a number of seats at the margins the last few elections. He had paid for consultants, direct mail, polling, blue prints with money from big fund-raisers held by people like James Carville and U.S. Sen. Tom

Daschle. Despite Ehrlich's overwhelming win over Democrat Kathleen Kennedy Townsend, Miller's senators ran 10 to 15 points ahead of Townsend.

Now Ehrlich would try to reverse that. The Republicans would target these seats the way then-Gov. George W. Bush had turned over seats in the Texas legislature.

As the de facto leader of the Maryland Democratic party, Miller would have to raise a lot more money. Democrats would have

to change the way they campaigned. Miller found fund raising demeaning. It was tough asking people for money. This is why Miller didn't know if he would run again.

Yet he wanted to see Jim DeGrange re-elected. You couldn't have a more conscientious, honest, great worker, in Miller's view. "DeGrange isn't like some senators, who vote for every spending measure, but not a single tax bill."

Though he might disdain fund raising, Miller was a master at it.

"Just give us one-sixth of what you're giving Bobby Ehrlich," he had asked corporations, thereby winning some of his biggest contributions. That was also how he got money from Joe DeFrancis, part owner of Pimlico and Laurel race-tracks, who had supported Republicans. "Give us a portion of what you gave Ellen Sauerbrey," Miller had asked him, referring to the two-time GOP nominee for governor.

DeFrancis' \$200,000 contribution to a fund-raising arm of the Democratic National Committee that Miller chaired came back to haunt Miller. Everywhere pro-slots lobbyists went, they confronted concerns that gambling interests were being given too much of the payout from slots.

Miller rejected the idea that money linked to DeFrancis had killed slots. The bill written in the Senate offered the best payout, nearly 50 percent, any state could get from slots.

For its demise, and Ehrlich's victory, Miller blamed Busch. Now the state was passing up \$700 million for education.

"You kill the snake when you have the hoe in hand," Miller said, borrowing Lyndon Johnson's adage.

"If you see revenue, especially from a Republican governor, you grab it then."

The session ended at midnight. All afternoon, Miller opened his office to the governor and escorted in senators Ehrlich needed to see about charter schools. The capital budget remained stalled.

In the chamber, Miller pushed through other bills as quickly as an

auctioneer.

Anyone wish to change their vote, explain their vote? If not, the ayes have it, and House Bill 793 is passed.

At 4:30 p.m., he handed the gavel to a deputy and walked across the street to a party in the governor's mansion.

At 7 p.m., Miller was still holding out on bonds for capital projects. Kids at Frederick Douglass High in Upper Marlboro learned in trailers and ate lunch in shifts, he said. Lawmakers should have to work in trailers.

The House offered to give up its projects this year if money for them could be assured for next year.

No deal.

Desperate, the Speaker of the House entered the Senate chamber at 8:10 p.m., and approached a senator on the committee trying to resolve the issue. Jobs were at stake. Maryland's economy, even. We can't have this fail, Busch said.

A short time later, the House added to its offer: The two houses would share another big pot for local projects next year, when the House would get the projects delayed this year. The deal was not good enough for Miller's budget chairman, who walked out of the talks.

The clock was ticking. At 10:15 p.m. the door to the Senate opened and in walked Speaker Busch, followed by leading members of the House. He approached the Senate president. "Give me some options," Busch told Miller. "Give me some options."

Preparing for the worst, the House circulated a petition to call the General Assembly into special session, if necessary, to solve the crisis.

Hearing this, the governor appeared in Miller's office to broker a deal. This was what emerged: The House gave up its \$12.7 million in projects this year so the money could be used for schools, as Miller wanted. The House was guaranteed that its projects would be funded in next year's capital budget. The Senate's prize was its own \$12.7 million pot next year for pork-barrel projects.

The governor got his charter school bill.

With 25 minutes remaining in the session, lawmakers ran back to their chambers for a vote.

At midnight, confetti would rain on the senators. At 1 a.m. Miller would be on the dance floor at a party in the building named after him. After 17 years, he has become an indelible part of Maryland history.

Miller would deny he had extracted a price from the Speaker. Frankly, he would say, it was the governor's idea.

But at the moment the \$740 million capital budget passed the Senate, Miller looked out into the chamber and gave a thumbs up.

Even in his worst year, Mike Miller once again proved he is master of the deal.